

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Date Purchased: \_\_\_\_\_

## COUNTY

Date Filed: \_\_\_\_\_

Court Date: \_\_\_\_\_

ATTORNEY(S): Kathleen A. Zebrowski AUSA : U.S. Attorney's Office - SDNY PH: 212-637-2710  
 ADDRESS: 86 Chambers Street New York N.Y. 10007 File No.:

**JAMES RUSSO,**  
 VS.  
**MP222 LLC, et al.,**

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF NASSAU SS.:

STEEVE F. LOUIS, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On August 7, 2007 at 2:31 PM at 80-02 KEW GARDENS ROAD KEW GARDENS, NY 11425, deponent served the within

**Answer, Counterclaim, Crossclaim and Third-Party Complaint**

with Index Number 07 Civ. 5469 (WHP), and Date Purchased \_\_\_\_\_ endorsed thereon, on: **NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE**, **Defendant** therein named.

- #1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.
- #2 CORPORATION ☒ By delivering to and leaving with A. PATEL - MANAGER and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.
- Service was made in the following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.*
- #3 SUITABLE AGE PERSON ☐ By delivering a true copy of each to \_\_\_\_\_ a person of suitable age and discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling house (usual place of abode) within the state.
- #4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: ☐ actual place of business ☐ dwelling house (place of abode) within the state.
- #5 MAIL COPY ☐ On \_\_\_\_\_, deponent completed service under the last two sections by depositing a copy of the \_\_\_\_\_ to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail No. \_\_\_\_\_
- Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_
- #6 NON-SRVC ☐ After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: ☐ Unknown at Address ☐ Evading ☐ Moved left no forwarding ☐ Address does not exist ☐ Other: \_\_\_\_\_
- #7 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
 Sex Male Color of skin Brown Color of hair Black Age 51 - 65 Yrs. Height 5' 4" - 5' 8"  
 (use with #1, 2 or 3) Weight 131 - 160 Lbs. Other Features: Glasses
- #8 WIT. FEES ☐ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.
- #9 MILITARYSRVC ☐ Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or of the State of New York and was informed that defendant was not.
- #10 OTHER ☐

Sworn to before me on this 8 day of August, 2007

BARBARA A. SHURGIN  
 NOTARY PUBLIC, State of New York  
 No. 30-5004737, Qualified in Nassau County  
 Commission Expires November 23, 2010



STEEVE F. LOUIS

Server's Lic # 0868691

Invoice/Work Order # 0737859